

SECRET//XI

DRAFT WORKING PAPER

Chapter Two

CIA's First Cases (U)

DECLASSIFIED AND RELEASED BY
CENTRAL INTELLIGENCE AGENCY
SOURCES METHODS EXEMPTION 3B2B
NAZI WAR CRIMES DISCLOSURE ACT
DATE 2004 2006

The Office of Special Investigations inherited a mixed bag of cases from the Special Litigation Unit. By the time of OSI's establishment in the spring of 1979, SLU's reputation had plummeted because it had mishandled several investigations, which subsequently affected the Federal government's efforts to bring Nazi war criminals to trial. Attorney General Benjamin R. Civiletti even declared that the SLU had a "sort of system of non-management." Outside observers quickly seized on these failures as yet another example of the "open secret" within Washington that intelligence agencies planned to stonewall Nazi war criminal investigations. In the words of one author, SLU was simply "a goldfish in a tank of bureaucratic barracuda."¹ (U)

¹A summary of SLU's problems is found in Charles R. Allen, Jr., "Nazi War Criminals in the United States," *The Jewish Veteran* (September-October 1979), pp. 1-4. OSI's uneven birthing was not enhanced by internal squabbling within the organization during its first year of existence. Martin Mendelsohn, SLU's former director and now OSI's deputy director, and Walter Rockler, OSI's new director, simply did not get along. Philip B. Heymann, Assistant Attorney General, consequently reassigned Mendelsohn to other duties within the Department of Justice in January 1980. Mendelsohn's removal prompted yet another outcry in Congress and two members of Congress wrote the US Attorney General to protest the action. In their opinion (joined by over 40 other Congressmen), OSI clearly lost "an invaluable resource" with Mendelsohn's departure.

the Directorate of Operations's point of contact with the new agency, aptly noted that Mendelsohn's firing highlighted the sensitive nature of the Nazi war criminal investigations. "We must," [] stressed, "continue to deal with the political issue of the Nazi war criminals as carefully as in the past." See Robert Pear, "Justice Dept. to Oust Nazi Hunter," *New York Times*, 7 January 1980, pp. 1 and 18; Jack Anderson, "Nazi Hunter is Victim of Infighting," *Washington Post*, 9 January 1980, p. B15; and Christopher Todd and Bill Frenzel to

DRAFT WORKING PAPER

SECRET//XI

DRAFT WORKING PAPER

In the meantime, Walter Rockler, who had left a prestigious position with a Washington law firm to serve as acting director of OSI, felt uncomfortable in his new role. An expert on the Federal tax code, Rockler's only work with war criminals had been at Nuremberg over 30 years earlier. He found the work at OSI too demanding, and he admitted that he had taken the job "with great reluctance." He stepped down in March 1980 and was succeeded by his deputy director, Allan A. Ryan, Jr., later that spring.² (U)

A New Director, A New Start (U)

Ryan realized that OSI needed strong leadership and direction if the office were to overcome its initial handicaps. Among his first actions, Ryan reviewed OSI's entire caseload, primarily former INS and SLU actions. He found a jumble of cases, ranging from rather solid ones to mere "my neighbor-is-a-Nazi" accusations. Ryan scored a victory when the US Supreme Court upheld the legality of the Holtzman Amendment and denaturalized Feodor Fedorenko, a former Ukrainian concentration camp guard, in 1981. Attorney General Civiletti personally argued OSI's case against Fedorenko before the

Benjamin R. Civiletti, 19 February 1980, with attached petition, in DO Records, Job C [redacted] Box 1, Folder 2, CIA ARC [redacted] made his comments on a cover note to the Todd and Frenzel letter. (U)

²Walter J. Rockler, "I Took on My Assignment with Great Reluctance," *Legal Times of Washington*, 25 February 1980. Rockler's work with the Nuremberg trials and later with OSI left him uncertain as to the value of war criminal prosecutions. "They had important symbolic value," he said in 1995, "but no substantial impact." Rockler, who spent 36 years at the law firm of Arnold & Porter, died in 2002. See Adam Bernstein, "Nuremberg Prosecutor Walter Rockler," *Washington Post*, 12 March 2002, p. B6, and "Walter J. Rockler, War-Crimes Agency Chief, Dies at 81," *New York Times*, 21 March 2002, p. A31. (U)

DRAFT WORKING PAPER

DRAFT WORKING PAPER

Supreme Court, stressing the Government's interest in bringing Nazi war criminals to justice.³ (U)

In late 1979, OSI assigned Arthur Sinai as its liaison to the CIA for requests for name traces. His CIA counterpart was [] of the Office of General Counsel.⁴ In February 1980, Sinai passed OSI's first major request to CIA to review its holdings for information on 275 individuals. [] In transmitting the OSI request to the Directorate of Operations and the Office of Security, emphasized the importance of the Agency's accurate response.⁶ The Agency's work in this effort marked the beginning of CIA's assistance to OSI in conducting over a thousand name traces.⁷ (U)

CIA faced a new challenge in responding to the growing demands of the Office of Special Investigations. In late February 1980, CIA officials met with OSI representatives to determine how the Agency would respond to the name trace requests. The DO agreed

³Elizabeth Olson, "Civiletti Urges Supreme Court to Allow Stripping of Ex-Nazi Guard's Citizenship," *Washington Post*, 16 October 1980, p. A-2. See also Aric Press and Diane Camper, "A New Hunt for Old Nazis," *Newsweek*, 27 October 1980, p. 84. (U)

⁴Philip B. Heymann, Assistant Attorney General, Criminal Division, to Frank Carlucci, Deputy Director, CIA, 17 December 1979, ER 79-8922, in OGC Records, Job [] Box 1, Folder 6, CIA ARC. [] designation as the OGC point of contact is found in [] to Heymann, 3 January 1980, OGC 80-00032, in OGC Records, Job [] Box 1, Folder 5, CIA ARC. (U)

⁵Arthur Sinai, Deputy Director, OSI to Adm. Turner, 19 February 1980, in OGC Records, Job [] Box 1, Folder 5, CIA ARC. (U)

[] to Chief, IMS/FPLG and Chief, Security Analysis Group, "Name Trace Requests from Office of Special Investigations, Department of Justice," 12 March 1980, OGC 80-02039, in DO Records, Job [] Box 1, Folder 2, CIA ARC. (U)

⁷CIA provided feedback to OSI concerning the February 1980 request in [] to Jo Ryan, 11 July 1980, OGC 80-06025, (C), and [] to Richard Sullivan, Assistant Deputy Director, OSI, 25 July 1980, OGC 80-06437, (C), both in OGC Records, Job [] Box 1, Folder 5, CIA ARC. (C)

DRAFT WORKING PAPER

DRAFT WORKING PAPER

that it would conduct only "on-the-head" traces. The DO then provided the Office of General Counsel with four general responses: No Trace, No Positively Identifiable Information, Possibly Identifiable Information is Available, or Information on Subject is Available.⁸ In mid-July 1980, Ryan met with [] of the Office of General Counsel to determine procedures for OSI's review of the CIA records that the name traces had identified. Following this meeting, [] in turn, outlined the specific agreements reached between the two agencies on 7 August 1980. This meeting established the working principles between CIA and OSI that continue to the present day.⁹ (U)

The Tscherim Soobzokov Case (U)

Despite the progress that Ryan made with CIA during his first months as OSI's director, a certain degree of suspicion lingered between the two agencies. The Soobzokov case revealed the intricacies of coordinating a Federal prosecution among numerous departments and agencies. Tscherim Soobzokov had a brief but complicated relationship with the Central Intelligence Agency. He first came to the CIA's attention

[] when a case officer met him in Amman, Jordan, in December 1950. []

[] used Soobzokov as an unwitting informant and then as a paid source on the Circassian, or North Caucasian, emigre community in the Middle East. (S)

⁸ [] IMS/FPLG to [] Chief, IMS/OG/EIRS, "Department of Justice Request for Information on Alleged Nazi War Criminals," 10 March 1980, (S), in DO Records, Job [] Box 1, Folder 4, CIA ARC. (S)

⁹ [] 7 August 1980 letter to Ryan, OGC 80-06918, is found in OGC Records, Job [] Box 1, Folder 5, CIA ARC. (U)

DRAFT WORKING PAPER

DRAFT WORKING PAPER

Soobzokov was born in Toktamukai, Caucasus, in the Soviet Union sometime between 1918 and 1924. His own accounts obscured his activities both before and during World War II, but Agency records show that he collaborated with the Nazis as a member of the Caucasian field gendarmerie in 1942. He ended the war as a Waffen SS *Obersturmfuehrer*, or first lieutenant, employed in recruiting fellow Caucasians for German military service. When the Third Reich collapsed, Soobzokov surrendered to the British in Austria but escaped a short time later. Joining his family and other refugees, he went to Italy and then on to Jordan, where he found work with the Amman city government and became active in local Circassian activities.¹⁰ (S)

The CIA remained in contact with Soobzokov after he immigrated to the United States in 1955. On 6 December 1956, a Maj. Lawrence London addressed a letter to Soobzokov in Paterson, New Jersey, announcing the formation of Material Testing Unit No. 1 "to conduct a research program of foreign military material." Maj. London told Soobzokov, "we are interested in securing the services of qualified personnel, both US citizens and aliens, with experience and knowledge specific to our needs." The Army [REDACTED] officer invited Soobzokov to travel to Fort Meade, Maryland, to join a CIA paramilitary program, Project AEREADY.¹¹ (S)

¹⁰For a summary of Soobzokov's activities, see Memorandum for the Record, "Prosecution of Tscherim Soobzokov Background on the Documents Requested by the Department of Justice," 7 February 1980, (S), in OGC Records, Job [REDACTED] Box 2, Folder 33, CIA ARC. (S)

¹¹Maj. Lawrence London to Tscherim Soobzokov, 6 December 1956, contained in packet of material on Soobzokov relating to Freedom of Information Act request from Mr. Eugene R. Scheiman to the Department of the Army for all records regarding Soobzokov's employment. See

DRAFT WORKING PAPER

DRAFT WORKING PAPER

Soobzokov trained at Fort Meade from February through August 1957, and he returned to Jordan to run a network of Circassians into Syria. Within a month, Soobzokov had so badly exposed his position in Jordan that the Agency sent him back to the United States. Despite the debacle, the Agency kept him as a reserve agent for another two years, investigating his past. In October 1958, Soobzokov admitted that he had repeatedly lied to the CIA about numerous aspects of his life. A final polygraph test in late 1959 determined that Soobzokov was "an incorrigible fabricator who is still attempting deception about his past." The Agency withdrew Soobzokov's operational approval in the spring of 1960 and had nothing further to do with him.¹² (S)

Wanted! (U)

Twenty years later this case created considerable turmoil between the Department of Justice and the CIA. The Federal government's case against Soobzokov changed several times after its inception in the mid-1970s as an investigation of the Caucasian immigrant for Social Security fraud. In 1977, Howard Blum wrote *Wanted! The Search for Nazis in America*, which claimed that Soobzokov had participated in war crimes

[] OGC, Memorandum for the Record, "Freedom of Information Request to the Department of the Army concerning Tscherim Soobzokov," 29 February 1980, (S), in OGC Records, Job [] Box 2, Folder 33, CIA ARC. (S)

¹²Copies of various interrogations and polygraph interviews can be found in the OGC files. For example, see [] OGC, Memorandum for the Record, "Department of Justice Document Request-Tscherim Soobzokov," 21 February 1980, OGC 80-01444, (S), in OGC Records, Job [] Box 2, Folder 33, CIA ARC. See also [] Deputy Director for Security, Memorandum to the General Counsel, "Tscherim Soobzokov," 22 February 1980, (S), in OGC Records, Job [] Box 2, Folder 32, CIA ARC. (S)

DRAFT WORKING PAPER

DRAFT WORKING PAPER

during World War II and later worked for the CIA. Soobzokov, in turn, sued Blum for libel and lashed out at several Federal investigators.¹³ At the same time, Harry C. Batchelder, Jr., Assistant United States Attorney for the Southern District of New York, became involved in the ever-widening investigation of Soobzokov. Batchelder's inquiries to the US Army about Soobzokov's government employment brought the Central Intelligence Agency into the picture during the fall of 1977.¹⁴ (C)

[] of CIA's Office of General Counsel initially coordinated the Agency's role in the Soobzokov investigation with other Federal agencies. In late September 1977, he met with Batchelder and two investigators, Anthony DeVito and Reuben Fier, to discuss the grand jury proceedings against Soobzokov. The Federal prosecutors wanted to move against Soobzokov for war crimes (including reports that Soobzokov had personally executed three individuals). Batchelder, DeVito, and Fier agreed to downplay reports of Soobzokov's employment by the CIA because his "association was of minimal interest to the grand jury investigation." The investigators, however, sought any documentation from CIA records that provided details of his

¹³A summary of the case against Soobzokov and his various suits against Blum, his publisher, various Federal officials, and later against CBS is found in Soobzokov's "Answer" to the Complaints filed by the Office of Special Investigations. See Answer, *United States of America v. Tscherim Soobzokov*, Civil Action No. 79-3468, United States District Court, District of New Jersey, in OGC Records, Job [] Box 2, Folder 35, CIA ARC. Soobzokov did not reach a settlement with Blum's publishers until 1983. See "The Insurers of Times Books Reaches Settlement of Lawsuit," *New York Times*, 3 July 1983, p. 30. (U)

[] Office of General Counsel to [] "Request for Information on Tscherim Soobzokov from United States Attorney's Office, Southern District, New York," 3 October 1977, OGC 77-6284, (C), in OGC Records, Job [] Box 2, Folder 34, CIA ARC. (C)

DRAFT WORKING PAPER

DRAFT WORKING PAPER

wartime activities. At the same meeting [] learned from the investigators that Soobzokov had an unusually high level of contact with the Soviet Union, a possible counterintelligence interest. (C)

As a result of his discussion with the three Federal officials, the CIA attorney recommended to [] of the Directorate of Operations that records pertaining to Soobzokov's activities during World War II be separated from his regular file and provided to the investigators. [] wanted to assure the investigators of the Agency's "continued good faith" and to emphasize that CIA had had no dealings with Soobzokov since the 1950s.¹⁵ (C)

In mid-December 1977, Fier and other attorneys from the Department of Justice came to CIA Headquarters to review DO and Security files relating to Soobzokov.¹⁶ The Office of Security refused to comply with the US District Attorney's request to review Soobzokov's polygraph examinations, although it agreed to respond in summary form to the specific issues.¹⁷ By the end of the year, Soobzokov's case had attracted attention from other investigators, including the House Subcommittee and the General Accounting

¹⁵ [] "Meeting with Assistant United States Attorney, Southern District, New York, in response to a Request for Files concerning Tscherim Soobzokov," 8 November 1977, OGC 77-70 [illegible], (C), in OGC Records, Job [] Box 2, Folder 34, CIA ARC. (C)

¹⁶ [] Memorandum for the Record, "Soobzokov Investigation," [undated], in OGC Records, Job [] Box 2, Folder 34, CIA ARC. See also [] to [] "Department of Justice Inquiry on Tscherim Soobzokov," 12 December 1977, OGC 77-7953, in same files as above. (U)

¹⁷ [] Director of Security, to Acting Deputy Director of Central Intelligence, "Release of Polygraph Questions and Answers to the Department of Justice-Tscherim Soobzokov," 11 January 1978, ER 78-4136, (S), in OGC Records, Job [] Box 2, Folder 34, CIA ARC. (S)

DRAFT WORKING PAPER

DRAFT WORKING PAPER

Office. This, in turn, raised questions within the Agency as to who had direct responsibility for Soobzokov's prosecution.¹⁸ (S)

The Soobzokov case languished in the Special Litigation Unit for the next several months until the new Office of Special Investigations took it over and assigned Joseph F. Lynch as its investigating attorney.¹⁹ Lynch came to CIA Headquarters in June 1979 and reviewed Soobzokov's three DO files (sanitized with minor redactions of individual names, project names, and other miscellaneous CIA information). Lynch requested

¹⁸ [] to [] "The Continuing Saga in the Investigation of Ex-Nazis of the United States," 2 December 1977, in OGC Records, Job [] Box 2, Folder 34, CIA ARC. Martin Mendelsohn, the newly-named director of the Special Litigations Unit, also entered the picture at this point, although SLU's investigation was separate from the New York District Attorney's efforts. In March 1978, Mendelsohn told [] that a new US attorney, Thomas H. Belote, had been assigned to the Soobzokov case in addition to Jerry Siegel. Mendelsohn and Belote both asked for access to the CIA's records and raised the issue of using CIA material in any trial of Soobzokov. In early 1979, the Government ended the grand jury investigation of Soobzokov for fraud, leaving Mendelsohn and Belote to focus solely on war crimes. See [] Memorandum for the Record, "War Criminal Investigation," 16 March 1978, OGC 78-1636, [] Office of General Counsel, Memorandum for the Record, "Tscherim Soobzokov-Nazi War Criminal Deportation Litigation-Meeting of 8 November 1978," 20 December 1978, (C), [] Memorandum for the Record, "US v. Tscherim Soobzokov," 5 February 1979, OGC 79-01253, (S), enclosing Mendelsohn to Robert Fiske, US Attorney, Southern District of New York, 5 January 1978 [79], and Fiske to Mendelsohn, 10 January 1979, all in OGC Records, Job [] Box 2, Folder 34, CIA ARC. (S)

¹⁹ Joseph F. Lynch, Special Attorney, OSI to [] "Tscherim Soobzokov," 3 July 1979, OGC 79-06128, in OGC Records, Job [] Box 2, Folder 34, CIA ARC. Ironically, the US District Attorney's office in New York still had not decided whether to prosecute Soobzokov because of possible irregularities in the earlier grand jury investigation. See [] Memorandum for the Record, "Konstantin Hanff and Tscherim Soobzokov," 3 July 1979, OGC 79-06165, (S), in the same job as above. (U)

DRAFT WORKING PAPER

DRAFT WORKING PAPER

copies of several documents, including Soobzokov's "Biography of an Emigrant" from his sanitized [] file.²⁰ (S)

While under investigation by the Federal government, Soobzokov had filed a libel suit against Blum, his publishers, and CBS News. During the course of his testimony for that case in 1978, Soobzokov claimed that he had provided a written account of his wartime activities to the State Department when he had applied for a visa in late 1954. In July 1979, OSI's Lynch contacted the State Department's Visa Section for assistance in determining whether Soobzokov had made any statements or provided any written record while applying for admittance to the United States regarding his membership in the Waffen SS. While a copy of this request and a follow-up memo in October 1979 appear in OGC's files on Soobzokov, OSI did not make any similar requests to CIA.²¹ Based on the State Department's response, OSI could not substantiate Soobzokov's claims and pressed ahead with its investigation. (U)

²⁰ See Lynch to [] 3 July 1979, OGC 79-06128, and [] to Lynch, "Tscherim Soobzokov," 13 August 1979, OGC 79-07451, (S), in OGC Records, Job [] Box 2, Folder 34, CIA ARC. See also [] to [] "Department of Justice Investigation of Tscherim Soobzokov [sic]," 12 July 1979, (S); [] to [] "Department of Justice Investigation of Tscherim Soobzokov," enclosing Lynch's 29 June 1979 notes, 2 July 1979, (S); and [] to [] "DOJ Request to Review Tscherim Soobzokov Soviet Internal Passport," 11 July 1979, [no classification listed], all in DO Records, Job [] Box 1, Folder 1, CIA ARC. (S)

²¹ Lynch made these requests to the State Department because Soobzokov had testified that he had written a report about his Waffen SS activities when he had applied for immigration during 1954-55. See Lynch to Visa Office, Department of State, "Tscherim Soobzokov," 27 July 1979, and Lynch to Larry Riveria, Department of State, 11 October 1979. The State Department's response is found in Linda Mathews Eckhardt, Advisory Opinions Division, Visa Services

DRAFT WORKING PAPER

OSI Files Suit (U)

On 5 December 1979, the Office of Special Investigations, with Lynch as the trial attorney, filed suit against Tscherim Soobzokov for failing to reveal his membership in the Waffen SS and his other activities on behalf of Nazi Germany. In a 10 count allegation, OSI declared that Soobzokov had also concealed his criminal record in the Soviet Union. Consequently, the Government asserted that Soobzokov never legally entered the United States and that he had procured his citizenship through "concealment of material facts or willful misrepresentation."²² (U)

In filing suit in New Jersey, OSI's deputy director, Martin Mendelsohn, asked the Agency for permission to use specific documents in Soobzokov's CIA files, including polygraph reports and various wartime documents. Some of these documents revealed that Soobzokov worked for the Germans, which he had admitted during his polygraph tests. Mendelsohn, however, made no request for any records pertaining to Soobzokov's immigration.²³ (U)

Directorate, to Lynch, "Soobzokov, Tscherim aka Showabzoqa, Abdel Karim," 1 November 1979, all documents in OGC Records, Job C-2 Box 2, Folder 34, CIA ARC. (U)

²²A copy of the 5 December 1979 suit, *United States of America v. Tscherim Soobzokov*, is found in OGC Records, Job C-2 Box 2, Folder 34, CIA ARC. (U)

²³Mendelsohn to [redacted] 6 December 1979, OGC 79-10975, in OGC Records, Job C-2 Box 2, Folder 34, CIA ARC. (U)

DRAFT WORKING PAPER

DRAFT WORKING PAPER

Mendelsohn's letter to the CIA generated considerable activity within the Agency.²⁴ The Directorate of Operations refused to release its records to OSI because "should the documents requested be declassified and made available for trial, we would put an almost certain jeopardy on the cover of two CIA staff officers, their subsequent successful and highly sensitive operations and the location of CIA installations in the Middle East and in the United States."²⁵ The Office of Security also opposed the release of polygraph reports. While it had already agreed to release summary reports of the polygraph interviews, the Office of Security now rejected that approach because the DO had refused to release its records.²⁶ (S)

[] OGC's new point of contact with OSI, endeavored to fashion other approaches to assist the Department of Justice in its prosecution of Soobzokov.²⁷ [] was able to soften the DO's and Security's hard line regarding the specific documents desired by OSI. In addition, [] and the DO contacted two former CIA officers familiar with Soobzokov from his time in Jordan in the early 1950s, and they suggested

²⁴ [] Office of General Counsel to Director of Security, "Document Request from Department of Justice," 18 January 1980, OGC 80-00478, (C), in OGC Records, Job [] Box 2, Folder 33, CIA ARC. (C)

²⁵ [] of [] "Prosecution of Tscherim Soobzokov-DOJ Request for Assistance," 7 February 1980, OGC 80-01138, (S), in OGC Records, Job [] Box 2, Folder 33, CIA ARC. For a description of the documents requested by OSI, see [] Memorandum for the Record, "Prosecution of Tscherim Soobzokov Background on the Documents Requested by the Department of Justice," 7 February 1980, (S), in the same job as above. (S)

²⁶ [] Deputy Director of Security to [] "Tscherim Soobzokov," 15 February 1980, OGC 80-01344, (S), in OGC Records, Job [] Box 2, Folder 33, CIA ARC. (S)

²⁷ [] summary of the impasse is found in [] Memorandum for the Record, "Department of Justice Document Request-Tscherim Soobzokov," 21 February 1980, OGC 80-01444, (S), in OGC Records, Job [] Box 2, Folder 33, CIA ARC. (S)

DRAFT WORKING PAPER

DRAFT WORKING PAPER

several other approaches to obtain information and documents concerning his activities between 1945 and 1955.²⁸ (S)

A Turn for the Worse (U)

The Soobzokov case took a serious turn at the end of March 1980 when [redacted] spoke with Soobzokov's lawyer about the defendant's earlier Freedom of Information Act (FOIA) request. Michael Dennis, Soobzokov's counsel, now asked whether the CIA had uncovered a "Form V-30," also known as a Personal Data Form, which Soobzokov claimed to have filed with the US Embassy in Jordan. [redacted] replied that the searches in response to Soobzokov's FOIA request were still in progress, and he recommended that Dennis provide a copy of this document.²⁹ At the same time, Ryan at OSI also learned that Soobzokov had a Personal Data Form in his possession. According to Soobzokov's defense attorney, the form showed that he had, in fact, admitted his wartime service to a US consul, Robert Wallace, in Jordan in 1952. (U)

Allan Ryan immediately dispatched letters to both the State Department and CIA requesting their assistance in locating this document. While the State Department again

²⁸ [redacted] to Rockler, 25 March 1980, OGC 80-02444, (S), in OGC Records, Job [redacted] Box 2, Folder 33, CIA ARC. The DO provided great assistance to [redacted] in this effort and, in fact, interviewed the retired officers. See [redacted] to [redacted] "US v. Tscherim Soobzokov," 7 March 1980, OGC 80-01922, (S), in the same job as above. The notes from the meetings with [redacted] and [redacted] are found in DO Records, Job [redacted] Box 1, Folder 2, CIA ARC. (S)

DRAFT WORKING PAPER

failed to locate any information, CIA had different and disturbing news. The Agency, in reviewing its entire files on Soobzokov, located not only a copy of the Form V-30, but also found an Operations Memorandum from Amman, Jordan, requesting a security advisory opinion for Soobzokov's visa in 1953.³⁰ Both documents clearly listed Soobzokov's affiliations with German collaborationist units and his service in the Waffen SS.³¹ (S)

The Agency's discovery forced Allan Ryan to dismiss OSI's case against Tscherim Soobzokov in July 1980. In a public statement, Ryan admitted that his office could not pursue its case against the Caucasian for concealing his collaboration with the Germans in the Soviet Union or his service in the Waffen SS when he immigrated to the United States or when he applied for American citizenship. The case, Ryan said, had become complicated when Soobzokov's attorney and the Central Intelligence Agency both revealed that they had documents that proved that Soobzokov had, indeed, admitted his wartime activities to the State Department in the early 1950s. As a result of this

²⁹ C Memorandum for the Record, "27 March 1980 Telephone Call to Michael Dennis," 3 April 1980, OGC 80-02835, in OGC Records, Job C Box 2, Folder 33, CIA ARC. (U)

³⁰ C to C "State Department Documents concerning Tscherim Soobzokov," 2 April 1980, OGC 80-02851, (C), in OGC Records, Job C Box 2, Folder 33, CIA ARC. Copies of the two documents are attached to this memorandum. (C)

³¹ C to Lynch, 23 June 1980, OGC 80-05391, (S), in OGC Records, Job C Box 2, Folder 32, CIA ARC. (S)

DRAFT WORKING PAPER

DRAFT WORKING PAPER

evidence, Ryan asked that the US District Court for New Jersey dismiss the charges against Soobzokov.³² (U)

Only after several months of research could CIA offer an explanation as to how these State Department records became part of CIA's filing system. At a meeting on 31 March 1980 between representatives of OSI and CIA officials, Ryan tried to diffuse the tension that had developed between Lynch, who had previously reviewed CIA's sanitized files on Soobzokov, and [redacted] [redacted] who managed the DO's support for the Nazi war criminal investigations. It appeared that the CIA had not shown these new documents to the OSI, although [redacted] [redacted] contended that this was not the case. As [redacted] later explained, the documents had been "enveloped and sealed" in Soobzokov's [redacted] file. The Agency had not made them specifically available to OSI, nor had OSI specifically asked for them because of their State Department origins.³³ (C)

Ryan now faced a dilemma. He recognized that the Agency's method of separating "third agency" documents before external review probably created this situation and that OSI was unaware of the existence of the two critical documents. He told the CIA's General Counsel, "the disclosure that your Agency has had the V-30 document since 1953 places the case under discussion in an entirely new light. The eventual outcome whatever it may prove to be, will almost certainly result in severe

³²Statement of Allan A. Ryan, Jr., Director, OSI, Department of Justice, 8 July 1980; Thomas O'Toole, "CIA 1952 Files Saves Ex-Nazi in Deportation Case," *Washington Post*, 10 July 1980, p. A13, both in DO Records, Job [redacted] Box 1, Folder 3, CIA ARC. (U)

³³[redacted] to Chief/IMS and Office of Security, "Tscherim Soobsokov," 10 April 1980, [no classification listed], in DO Records, Job [redacted] Box 1, Folder 2, CIA ARC. (U)

DRAFT WORKING PAPER

DRAFT WORKING PAPER

public embarrassment to the United States Government and in particular to the Department of Justice." OSI's director complained the incident was "an embarrassment that we could have avoided if we had adequate notice of the existence of the document prior to filing the complaint."³⁴ (U)

Questions remain to this day about the two State Department documents in the Agency's files. In retrospect, it appears that Lynch did not focus on State Department material during his visits to the Agency when he reviewed Soobzokov's sanitized [] file. Instead, he was interested in other documents in the file, including polygraph reports and Soobzokov's biographical material. The State Department's 1953 Operational Memorandum was in the sanitized file when Lynch reexamined it in May 1980, but he probably did not pay it much attention because it was sealed as a third agency document. The location of the State Department Personal Data Form, the Form V-30, is more uncertain. It was not in Soobzokov's sanitized [] file in 1996, nor does Lynch mention it in his notes on 1 May 1980. Thus, it is still a matter of conjecture if Lynch could have proceeded with the suit; certainly, the investigation would have proceeded more smoothly if OSI's investigators had reviewed all documents in the Agency's possession.³⁵ (S)

³⁴Ryan to [] 7 April 1980, OGC 80-03058, in OGC Records, Job [] Box 2, Folder 33, CIA ARC. (U)

³⁵[] discussed Lynch's reactions to the CIA's disclosures. See [] Memorandum for the Record, "14 April 1980 Meeting with Allan Ryan, OSI/DOJ," 17 April 1980, (S), in OGC Records, Job [] Box 2, Folder 33, CIA ARC; and [] Memorandum for the Record, "Review of Documents by Joseph Lynch, Department of Justice," [undated], in the same job as above, folder 32. Lynch visited the CIA on 29 June 1979 and 2 November 1979 and made notes from both DO and OS records. These notes make no reference to Soobzokov's immigration efforts. See [] Lynch, 9 January 1980, OGC 80-00191, (S), in the same job as above,

DRAFT WORKING PAPER

DRAFT WORKING PAPER

An Appearance of Collusion (U)

In July 1980, the Office of Special Investigations dropped its suit against Soobzokov because the CIA revelation disproved the Government's allegations. *The Washington Post* wrote that it was a "classic case of the right hand not knowing what the left hand was up to." Elizabeth Holtzman blasted the Agency and said, "I am angered by the implications of this, if the documents giving rise to the dismissal are in fact valid. As a minimum, that would mean that despite Soobzokov's admission that he was a member of the Waffen SS, the State Department, after consultation with the CIA, chose to admit him to the United States." The Democratic Congresswoman believed that "this once again raises the spectre of possible connivance and collusion on the part of our government in admitting, and providing sanctuary to, suspected Nazis."³⁶ Soobzokov remained a controversial figure and protesters often surrounded his house in Paterson,

folder 33. A copy of the notes is attached to Security Analysis Group to "Nazi War Criminals Investigation," 13 November 1979, OGC 79-10220, (S), in OGC Records, Job Box 2, Folder 29, CIA ARC. Interestingly, there is no correspondence from the DO regarding notes, if any, made by Lynch during this 2 November 1979 visit. Nor did Lynch mention the critical documents during his review of CIA's records on 29 June 1979. See Lynch to 3 July 1979, OGC 79-06128, in OGC Records, Job Box 2, Folder 34, CIA ARC. (S)

³⁶Thomas O'Toole, "CIA 1952 Files Save Ex-Nazi in Deportation Case," *Washington Post*, 10 July 1980, p. A13. The Agency provided Holtzman with a briefing in the midst of the ongoing criticism. See Directorate of Operations Spot Report, "Use of Documents from CIA Files in Ex-Nazi Deportation Case," 14 July 1980, (S), citing a 10 July 1980 *Washington Post* article, "CIA 1952 Files Save Ex-Nazi in Deportation Case," in OGC Records, Job Box 3, Folder 32, CIA ARC. The *New York Times* had a small piece in its second section about the dismissal of the Soobzokov case on 10 July 1980. (S)

DRAFT WORKING PAPER

New Jersey.³⁷ He died after a mysterious bomb explosion, which the FBI linked to a series of attacks on Arab-Americans and suspected Nazi war criminals in the United States by militant Jewish organizations. No arrests have been made, and the case remains open to this day.³⁸ (U)

As OSI gained more experience, the rancor over the Soobzokov case faded. The CIA now realized that "third agency" documents contained vital information for Nazi war criminal investigations that might not be available in the files of the originating agency. It also recognized the need to enhance its overall system of conducting name traces for OSI. The Soobzokov case was a painful learning experience for both CIA and OSI.³⁹ (U)

³⁷A year after OSI dropped its case, Jack Anderson wrote about Soobzokov. Jack Anderson, "US Gives Ex-Nazis a Security Blanket," *Washington Post*, June 5, 1981, p. C17. CIA still faced a Freedom of Information Act request from Richard Krieger, Executive Director of the Jewish Federation of North Jersey and the American Civil Liberties Union for details about Soobzokov's immigration. See *American Civil Liberties Union of New Jersey v. Department of Justice, et al.*, United States District Court for the District of Columbia, Civil Action No. 81-0815, in OGC Records, Job Box 2, Folder 27, CIA ARC. Jack Anderson again reported on Soobzokov in an article, "Long Memories in New Jersey about 3rd Reich," *Washington Post*, 11 July 1981, p. B7. (U)

³⁸Ralph Blumenthal, "Man Accused of Nazi Past Injured by Bomb in Jersey," *New York Times*, 16 August 1985, p. B2; Albert J. Parisi, "Pipe-Bomb Death Puzzles Authorities," *New York Times*, 15 September 1985, Section XI, pp. 8-9; and Judith Cummings, "F.B.I. Says Jewish Defense League May Have Planted Fatal Bombs," *New York Times*, 9 November 1985, pp. 1 and 32. (U)

³⁹The problem of handling "third agency" material in CIA files was partially alleviated in late 1980 when the INS allowed CIA to provide immigration records directly to OSI. Glenn A. Bertness, Acting Associate Commissioner Enforcement to 12 November 1980, CO 105.3-C, in DO Records, Job Box 1, Folder 5, CIA ARC. (U)

DRAFT WORKING PAPER

DRAFT WORKING PAPER

Edgars Laipeneks (U)

As Ryan reviewed the other OSI cases in 1980, he found that the Federal government had become embroiled in another legal morass over Edgars Laipeneks. Media reports and political maneuvering only complicated matters. In 1976, Soviet newspaper *Tass* alleged “in defiance of international law, and mocking the memory of millions of victims of fascism, the CIA has been for long sheltering in US territory former Nazi executioners from retribution in token for ‘gratitude’ for their ‘services’ to US intelligence services.” *Tass* cited Edgars Laipeneks, a “former collaborator of the Nazi police in the Nazi-occupied territory of Latvia, who is guilty of committing at least 37 war crimes.”⁴⁰ (U)

Born in Latvia in 1913, Laipeneks joined that small country’s army during the early 1930s and later competed at the 1936 Olympics. During the Soviet occupation of Latvia, Laipeneks claimed to have witnessed numerous atrocities committed by the Russians, including the deportation of his wife’s family to Siberia, where they died.

Following the Soviet retreat from Latvia in the face of the German onslaught in 1941, Laipeneks joined the Latvian political police and hunted staybehind communist agents and sympathizers. In this role, Laipeneks, according to a 1946 CIC report, served “allegedly [as] an interrogator at the Gestapo jail in Riga, Latvia. He was actually seen

⁴⁰Georgiy Tsaritsyn, “Under the Patronage of CIA,” *Tass*, 16 October 1976, translated by FBIS. Translated article found in Edgars Laipeneks, File C DO Records. (U)

DRAFT WORKING PAPER

killing four persons at said jail during interrogations." Laipenieks, one witness recounted, was "a most cruel and mean character, known for his mistreatment of prisoners."⁴¹ (S)

In addition to his Latvian police activities, Laipenieks worked for the German *Abwehr* to counter Soviet attempts to infiltrate the Baltic States. According to his own account, he continued to work with the Germans until 1943 when he returned to his civilian occupation as a baker in his family's business. Laipenieks fled from Latvia in the summer of 1944 and eventually arrived in Austria the following summer. After a minor altercation with the French occupation authorities over stolen property, he became a ski coach for the French Army, and in 1947 immigrated to Chile, narrowly escaping the Soviets, who apparently sought his arrest for his wartime activities.⁴² (S)

Laipenieks toured the United States in the mid-1950s when he met the athletic director of the University of Denver, who offered him a position as an assistant ski coach and physical education teacher. He accepted the position and moved to the United States as a Chilean citizen in 1960. He spent several years in Colorado, coaching at the University of Denver and working odd jobs during the summer months. Through one of his sons, CIA reestablished contact with him in the hope that he might convince [redacted]

[redacted] to defect at an international track meet at Stanford University in July 1962. Laipenieks made an appointment with [redacted] whom he had met at the

⁴¹For a brief description of Laipenieks, see "Rough Summary of Information Concerning the Wartime Activities of Edgars Laipenieks [redacted] in Latvia," 20 October 1976, and "Rough Summary of CIA Operational Involvement with Edgars Laipenieks [redacted]" 20 October 1976, (S), in Laipenieks, File [redacted] DO Records. (S)

DRAFT WORKING PAPER

Melbourne Olympics games, and found that the coach was receptive to Western advances. (S)

Later that summer, CIA officials in Washington had an opportunity to talk with Laipeniekss and assess him. While his case officer found him in July 1962 to be a "very willing" and "able operator," Headquarters had a different opinion two months later.⁴³ The Agency expressed concern about his wartime activities, and determined that Laipeniekss was an "anti-social and shifty individual." Headquarters recommended that the defection operation continue with Laipeniekss in a lesser role. In the meantime, Laipeniekss tried on his own to induce a Latvian-born Soviet athlete to defect in the fall of 1962. This independent plan, not approved by Headquarters, backfired, and the athlete exposed Laipeniekss as an American agent. This "inept performance," CIA noted, had "seriously compromised his usefulness," and the Agency recommended that Laipeniekss be used with "extreme caution."⁴⁴ (S)

Laipeniekss lost his job at the University of Denver in the summer of 1963 and his contact with the CIA dwindled after that point. The Agency concluded that the KGB had controlled [] throughout the period that Laipeniekss had been in contact with him. CIA last heard from Laipeniekss in 1968 shortly after the Olympic games in Mexico

⁴²Ibid. See also "Translation of [] Autobiographical Statement," 5 September 1962, (S), in Laipeniekss, File [] DO Records. (S)

⁴³See [] Chief, SR/2/Baltic, Memorandum for the Record, "Background Information," 14 September 1962, SR/2-B-62-245, (S), in Laipeniekss, File [] DO Records. (S)

⁴⁴Quoted in "Rough Summary of CIA Operational Involvement with Edgars Laipeniekss" 20 October 1976, (S), in Laipeniekss, File [] DO Records. (S)

DRAFT WORKING PAPER

DRAFT WORKING PAPER

City.⁴⁵ By the mid-1970s, Laipenieks lived in San Diego, where he worked as a high school coach and gardener. (S)

The INS Opens an Investigation (U)

CIA played no role in Laipenieks' immigration to the United States nor did it have any relationship with the Latvian while he lived in South America. The Agency, however, had complicated matters after it made contact with Laipenieks in 1962. He admitted to his case officer at that time that he had failed to mention his wartime service to INS officers [] the CIA officer who debriefed Laipenieks in a California motel room in 1962, commented that "I couldn't advise him on this matter and that he should leave it to his conscience whether he should or should not report these facts" upon submitting his petition for citizenship [] recommended that the Agency take no steps to report Laipenieks to the Immigration and Naturalization Service, and he even urged the Agency to process the Latvian under Public Law 110.⁴⁶ The Agency's failure to notify the Immigration and Naturalization Service about these issues later had serious ramifications.⁴⁷ (S)

⁴⁵Ibid. (S)

⁴⁶[] "Background Information," 14 September 1962, (S), in Laipenieks, File [] DO Records. (S)

⁴⁷CIA did inspect Laipenieks' visa file at the State Department in 1962. The Agency's Office of Security expressed concern about his 1945 arrest by the French in Austria to see whether it had any impact on his immigration to the United States. See "Laipenieks, Edgars #161 260," 20 December 1962, attached to [] Deputy Director of Security to [] Office of General Counsel, "United States v. Edgars Laipenieks," 5 January 1981, in OGC Records, Job [] Box 2, Folder 24, CIA ARC. (U)

DRAFT WORKING PAPER

DRAFT WORKING PAPER

The Laipeniek matter took a turn in 1973, when the Central Intelligence Agency answered with a “no derogatory” reply to an INS inquiry in support of deportation hearings against him. Two years later, Edgars Laipeniek wrote to the Agency asking for access to his records to fight his deportation. CIA filed this letter as a Freedom of Information Act request and informed Laipeniek of this action in April and May 1975.⁴⁸ The following year, CIA informed the INS that Laipeniek had written to the Agency for assistance and that “a review of our files neither proves nor disapproves the allegations.” The Agency told immigration authorities that Laipeniek had been associated with CIA from 1958 through 1967 to “assist us in assessing and developing targets of interest from Communist Bloc countries.”⁴⁹ The INS subsequently told the Agency that the Latvian “is not amenable to deportation under existing laws.”⁵⁰ This information prompted Gene F. Wilson, the Agency’s Information and Privacy Coordinator, to write to Laipeniek in the summer of 1976 with the news that “we have now been told that you are ‘not amenable to deportation under existing laws.’ It is our understanding that INS has advised their San Diego office to cease any action against

⁴⁸In his May 1975 letter to Laipeniek, Robert S. Young, the Agency’s Freedom of Information Coordinator, said “research on your case is still underway. The Agency appreciates your past cooperation, and we will notify you just as soon as we possibly can regarding any assistance we can provide.” Robert S. Young, Freedom of Information Coordinator to Laipeniek, 5 May 1975, in OGC Records, Job C Box 2, Folder 26, CIA ARC. (U)

⁴⁹DDO to Gen. Leonard F. Chapman, Jr., Commissioner of Immigration and Naturalization, “Laipeniek, Edgars,” 8 March 1976, in OGC Records, Job C Box 2, Folder 26, CIA ARC. (U)

⁵⁰C Box 2, Interdepartmental Branch, Liaison Group, Operations Staff, Memorandum for the Record, “Laipeniek, Edgars,” 28 June 1976, in OGC Records, Job C Box 2, Folder 26, CIA ARC. (U)

DRAFT WORKING PAPER

DRAFT WORKING PAPER

you." Wilson concluded his letter with the note that "if such does not prove the case, please let us know immediately. Thank you once again," Wilson added, "for your patience in this instance, and your past assistance to the Agency."⁵¹ (U)

CIA's correspondence with Laipenieks soon became public knowledge in the fall of 1976 when Bob Dorn and Martin Gerchen of the San Diego *Evening Tribune* revealed that both the American and Israeli Governments suspected him of war crimes. Denying these reports, Laipenieks showed the three letters that he had received from the Central Intelligence Agency as part of his FOIA request. This prompted the journalists to conclude that the CIA "has intervened with the INS to stop proceedings against Laipenieks" because of his "past cooperation" and "assistance."⁵² Bob Dorn raised the issue with DCI George Bush, when Bush visited Sacramento in November 1976. The DCI admitted to Dorn only that Laipenieks "had been of some use many, many years ago."⁵³ (U)

The Latvian Connection (U)

The furor surrounding the Laipenieks case coincided with mounting Congressional interest in the Nazi war criminal investigations. In October 1976, Reps.

⁵¹Gene F. Wilson, Information and Privacy Coordinator to Laipenieks, 20 July 1976, OGC Records, in OGC Records, Job C-2, Box 2, Folder 26, CIA ARC. (U)

⁵²Bob Dorn and Martin Gerchen, "County Man Branded as War Criminal," San Diego *Evening Tribune*, 14 October 1976, pp. A-1 and A-10; Martin Gerchen, "New Accuser Emerges in Latvia Case," San Diego *Evening Tribune*, 15 October 1976, pp. A-1 and A-10; and Bob Dorn, "Law Shields Laipenieks," San Diego *Evening Tribune*, 16 October 1976, pp. A-1 and A-3. (U)

DRAFT WORKING PAPER

Eilberg and Holtzman of the House Immigration Subcommittee wrote the INS commissioner demanding information about CIA's intervention on behalf of Laipeniekss.⁵⁴ Congressman Lucien N. Nedzi (D MI) also asked the CIA to brief him about the Laipeniekss case that same month.⁵⁵ While the Agency and the INS responded to Congressional concerns, pressure mounted for a full investigation.⁵⁶ (S)

The GAO paid particular attention to Laipeniekss during its investigation as did the SLU, which asked to examine CIA's records on him and his cousin, Jakobs Laipeniekss, in early 1979.⁵⁷ Later that year, the new Office of Special Investigations took up the Laipeniekss case because the Holtzman Amendment now allowed the Justice Department to pursue those individuals who entered the United States under the 1952 immigration law. OSI also expressed great interest in examining the Agency's files on members of

⁵³Bob Dorn, "CIA Denies Giving Aid to War Crimes Suspect," San Diego *Evening Tribune*, 30 November 1976, pp. A-1 and A-10. (U)

⁵⁴Eilberg and Holtzman to Gen. Chapman, 15 October 1976, in OGC Records, Job C Box 2, Folder 26, CIA ARC. (U)

⁵⁵C. Deputy Legislative Counsel, Memorandum for the Record, "Briefing of Chairman Lucien N. Nedzi (D MI), Special Subcommittee on Intelligence, House Armed Services Committee, 19 October 1976, OLC 76-3035, in OGC Records, Job C Box 2, Folder 26, CIA ARC. (U)

⁵⁶For the CIA's explanation of the events leading to the controversy, see Office of Legislative Counsel to William G. Miller, Staff Director, Senate Select Committee on Intelligence, "Edgars Laipeniekss, ex-Latvian Intelligence Officer Accused of World War II Crimes," 16 November 1976, OLC 76-3329, (S), in OGC Records, Job C Box 2, Folder 26, CIA ARC. For Gen. Chapman's response to the House Immigration Subcommittee, see Chapman to Eilberg, 24 January 1977, CO 703.951, in the same job as above. In addition, Martin Gerchen, the San Diego reporter who broke the Laipeniekss story, appealed to his Congressman in 1977 for a full investigation of the case. (S)

⁵⁷C. to various CIA offices, "Name Trace and Records Search - Meir Katz, Lou Gleser, Arvid Lazdins, Jakobs (Jacobs) Laipeniekss," 5 December 1978, OLC 78-3708, (S), and C. to C. "Edgars Laipeniekss," 15 February 1979, OGC 79-01668, (S), both documents in OGC Records, Job C Box 2, Folder 26, CIA ARC. (S)

DRAFT WORKING PAPER

DRAFT WORKING PAPER

various Latvian collaborationist units. Without any explanation, OSI told the Agency that it had decided not to pursue the Laipenieks matter in October 1979.⁵⁸ (S)

The Laipenieks case lay dormant until January 1980 when ABC Television announced that the CIA had intervened to prevent his deportation. OSI now opened its investigations of Laipenieks, Vilis Hazners, and a postwar Latvian group called the *Daugavas Vanagi*, (the "Hawks of the Dauvaga").⁵⁹ The Agency searched its records for the various Latvian suspects and organizations and relayed its limited findings.⁶⁰ (S)

By the summer of 1981, OSI had enough evidence to initiate a deportation suit against Laipenieks for concealing and misrepresenting his activities between 1941 and

⁵⁸George Parker, OSI to [] 8 May 1979, [] to various CIA offices, "Nazi War Criminal Investigations," 10 May 1979, OGC 79-04394, [] IMS/FOIA, Privacy and Litigation Group to [] "Meeting with Department of Justice Representatives re Nazi War Criminal Investigation," 24 July 1979, OGC 79-06889, (S), and [] Deputy Director of Security to [] "Department of Justice Investigation of Alleged Nazi War Criminals," 7 August 1979, OGC 79-07397, (S), all documents in OGC Records, Job [] Box 2, Folder 26, CIA ARC. (S)

⁵⁹The INS charged Hazners as a member of a Latvian police organization and filed a deportation suit in 1977. SLU poorly handled the case, which was finally dropped by OSI in 1981. Ryan, *Quiet Neighbors*, pp. 60 and 355. For various memoranda and correspondence about OSI's request to examine CIA holdings on the *Daugavas Vanagi*, see OGC Records, Job [] Box 1, Folder 12, CIA ARC. (U)

⁶⁰Some of the documents uncovered include a suspected 1962 KGB-inspired Latvian publication, *Who Are the Daugavas Vanagi?*, which CIA translated for OSI in early 1981. The Agency also permitted OSI to examine 1945 and 1946 reports on SD agents in Latvia. In addition, the Agency uncovered some older material on postwar Latvian resistance and emigre activities and a translation of a pro-German Latvian encyclopedia article on the wartime *Lettische SS Freiwilligen Legion*. The Agency did not permit OSI to review its holdings on Latvian activities in Denmark in the late 1950s (supported by the Free Europe Citizens Service) relating to the *Daugavas Vanagi*. See [] to [] Acting Chief, FOIA Privacy and Litigation Group, "Request Traces on the Daugavas Vanagi," 21 November 1980, DOR-00236, (S), in DO Records, Job [] Box 1, Folder 5, CIA ARC. (S)

DRAFT WORKING PAPER

DRAFT WORKING PAPER

1943 and his arrest by French authorities in 1946.⁶¹ Prior to taking this action, Ryan, perhaps mindful of the Soobzokov debacle, wrote to [] in the CIA's Office of General Counsel seeking answers to various questions that had arisen during the reviews of Laipenieks' files at the Agency. Ryan closed with a question: Did CIA have any "national security objections to the filing of the deportation proceedings against Edgars Laipenieks?"⁶² [] who had replaced [] as the OGC attorney handling the Nazi war criminal cases assured OSI that "all relevant Agency documents on Laipenieks have been shown to your investigators."⁶³ (S)

In 1982, OSI took its case against Laipenieks before John C. Williams, a Federal immigration judge. After hearing extensive testimony (much of it videotaped depositions from witnesses in the Soviet Union about brutality at the Riga Central Prison), Judge Williams decided in June of that year that the Office of Special Investigations had failed to prove that Laipenieks had participated in war crimes. It was a setback for OSI, but the defeat did not reflect any discredit on the CIA in its efforts to assist the Department of Justice. The following summer, OSI won its case against Laipenieks when the Board of Immigration Appeals ruled that the Latvian should be deported to Chile for "clear and convincing evidence" that he had participated in political persecution during the war on

⁶¹ A copy of the charges in *US v. Edgars Laipenieks*, filed in San Diego on 2 June 1981, are attached in Ivars Berzins, Laipenieks' attorney to [] 14 July 1981, in OGC Records, Job [] Box 2, Folder 24, CIA ARC. (U)

⁶² Ryan to [] 10 March 1981, OGC 81-01999, in OGC Records, Job [] Box 2, Folder 26, CIA ARC. (U)

⁶³ [] to Ryan, 17 April 1981, OGC 81-03212, (S), in OGC Records, Job [] Box 2, Folder 26, CIA ARC. (S)

DRAFT WORKING PAPER

DRAFT WORKING PAPER

behalf of the Third Reich.⁶⁴ The 9th US Circuit Court overturned this verdict in 1984 and, despite OSI's repeated efforts as late as 1988, Laipeneks remained in the United States. (U)

The Laipeneks case lasted over ten years—far longer than the Agency's relationship with the Latvian. The Agency did not do anything illegal, but it did highlight shortcomings within the Agency in handling and communicating information. The CIA's failure in 1962, for example, to notify the Immigration and Naturalization Service that Laipeneks had lied on his application for immigration later created problems. Similarly, the Agency's responses to his requests for information in the mid-1970s appeared overly friendly. Laipeneks exploited the Agency's letters to forestall deportation hearings, which sowed the perception that the CIA had actually intervened with the INS in the Latvian's favor. It was subsequently difficult for the Agency to explain its actions and to demonstrate that it had not assisted Laipeneks. (U)

The Laipeneks case showed that the Agency could provide OSI with crucial evidence without jeopardizing national security or its responsibility to protect sources and methods. Likewise, the CIA provided the Office of Special Investigations with full access to all “third agency” material contained in Laipeneks’ records. The case marked an important step forward in broadening the working relationship between CIA and the Department of Justice. (U)

⁶⁴Associated Press report, “San Diego Man Ordered Deported for World War II Activities,” 15

DRAFT WORKING PAPER

Otto von Bolschwing (U)

The Department of Justice scored another coup when it stripped Otto Albrecht Alfred von Bolschwing of his citizenship. Bolschwing had been a CIA asset, of dubious quality, in Austria during the late 1940s and early 1950s. The Agency brought Bolschwing and his family to the United States in 1954, although it had little to do with him after that point. Bolschwing became an American citizen in 1959 and worked with various American companies in New York and California.⁶⁵ (U)

Following the arrest of Adolf Eichmann and his trial in Israel, the Central Intelligence Agency examined its records concerning the "architect of the Final Solution."

██████████ ████████ an expert on the Counterintelligence Staff, discovered that Bolschwing had played a larger role in the SS than he had admitted when he first came into contact with CIA. At the same time, some of Bolschwing's former CIA case officers in Austria, including ████████ ████████ wondered about their agent's claims. In 1961, ████████ stated that one of Bolschwing's agents had proved "fraudulent" following Bolschwing's departure to the United States.⁶⁶ The Agency, however, did not take any action against Bolschwing ██████████ ██████████ after the discovery of his false record beyond asking him to withdraw his application for a

September 1983, in OGC Records, Box ████████, Box 2, Folder 24, CIA ARC. (U)

⁶⁵For further information, see Kevin C. Ruffner, "Prussian Nobleman, SS Officer, and CIA Agent: The Case of Otto Albrecht Alfred von Bolschwing," *Studies in Intelligence* (1998), vol. 42, no. 1, pp. 61-77, now declassified. (U)

⁶⁶ ████████ ████████ to ████████ ████████, "Inge von der Tann," [undated c. 1961], (S), in OGC Records, Job ████████ Box 2, Folder 29, CIA ARC. (S)

DRAFT WORKING PAPER

DRAFT WORKING PAPER

US government-sponsored position in India.⁶⁷ In 1963, Headquarters informed its German Station that Bolschwing, then in Europe, had no CIA connection.⁶⁸ (S)

Bolschwing came to the attention of the Special Litigation Unit (SLU) in a circuitous manner. While investigating Valerian Trifa, a Romanian bishop, for his role as an Iron Guard leader during the war, attorney Eugene M. Thirolf inquired about certain German officials posted to Romania in 1941. Thirolf requested information on Otto Albrecht Alfred von Bolschwing, a captain in the German SS and the SD's representative in Bucharest.⁶⁹ Thirolf's letter raised alarm bells in CIA because Bolschwing had an extensive record in the Agency. A quick review of these files by the CIA and Martin Mendelsohn, SLU's chief, revealed that Bolschwing "may not have been totally frank when he neglected to mention past membership in the Nazi Party" on applying for naturalization in 1959.⁷⁰ OGC's [redacted] warned in early March 1979 that an investigation of Bolschwing threatened the Agency because a preliminary examination of

⁶⁷ [redacted] Chief, Eastern Europe Division to DDP, "Otto Albrecht Alfred von Bolschwing," 10 May 1961, (S), in OGC Records, Job [redacted], Box 2, Folder 29, CIA ARC. (S)

⁶⁸ Cable, Headquarters to Frankfurt, DIR 70116, 19 September 1963, (S), in OGC Records, Job [redacted], Box 2, Folder 29, CIA ARC. (S)

⁶⁹ Thirolf to [redacted], OGC, 18 July 1978, CO 1421, with attachment dated 9 August 1978, in OGC Records, Job [redacted], Box 2, Folder 29, CIA ARC. Thirolf also sought information on Col. Boris T. Pash, a US Army officer detailed to CIA at various times, and two other Germans, Artur A. Konradi and Dr. Heinrich Graf von Meran. (U)

⁷⁰ [redacted] to Mendelsohn, 2 February 1979, OGC 79-01118, (S), in OGC Records, Box 2, Folder 29, CIA ARC. (S)

DRAFT WORKING PAPER

DRAFT WORKING PAPER

his records raised a number of "obvious questions" about his relationship with CIA over the years.⁷¹ (S)

A New Campaign (U)

In early 1979, SLU launched a full investigation of Bolschwing's immigration and wartime activities. Ironically, Mendelsohn had initially planned only to use Bolschwing as a witness against Trifa. Jeffrey Mausner took over the Bolschwing investigation for the new Office of Special Investigations in the summer of 1979 and continued to examine the Agency's holdings.⁷² In November of that year, Mendelsohn approached CIA with several urgent questions regarding the Agency's affiliation with Bolschwing. In light of OSI's pending suit against Bolschwing, the Department of Justice was concerned whether CIA had any objections to the legal proceedings or if the German could blackmail the Agency. Mendelsohn also expressed uncertainty as to whether CIA officials might testify on Bolschwing's behalf in light of his close connection to the Agency.⁷³ (S)

⁷¹For a discussion of the early aspects of this case, see [] to General Counsel, "Otto Albrecht Alfred von Bolschwing—Possible Violation of 18 USC 1001 and 1015 (False Statements to the US Government)," 12 March 1979, (S). [] added some comments to this memo in April 1979 that shed further information about the early Bolschwing investigation. See [] to [] "Attached Memorandum on Otto Albrecht Alfred von Bolschwing," 5 April 1979, (C), both documents in OGC Records, Job [] Box 2, Folder 29, CIA ARC. (U)

⁷²Mendelsohn to [] 16 July 1979, OGC 79-06581; [] to [] "Department of Justice Investigation of Alleged Nazi War Criminals—Otto Albrecht von Bolschwing," OGC 79-07460, 13 August 1979, (S); Mausner to [] 22 August 1979, OGC 79-07895, (S); and [] Mausner, 26 October 1979, OGC 79-09696, (S), all documents in OGC Records, Job [] Box 2, Folder 29, CIA ARC. (S)

⁷³Mendelsohn to [] 30 November 1979, OGC 79-10974, (S), in OGC Records, Job [] Box 2, Folder 29, CIA ARC. (S)

DRAFT WORKING PAPER

DRAFT WORKING PAPER

In January 1980, representatives of CIA's Office of General Counsel and the Directorate of Operations held a meeting with the Office of Special Investigations to address Mendelsohn's questions. Speaking for the Agency, the DO's [] said that CIA did not plan to assist Bolschwing in his defense, but that the Agency could help OSI in bringing Bolschwing to trial. Given the fact that Bolschwing's knowledge of CIA operations was dated [] doubted that the Agency had to worry about any form of blackmail. [] warned, however, that the Agency did not know what Bolschwing's case officer [] had told him when applying for a visa because [] had died. Likewise, the DO noted that the INS had possessed an "auxiliary" file on Bolschwing at the time of his departure from Austria; neither CIA nor the INS, however, could locate these records.⁷⁴ (S)

Public pressure grew in 1980 after Simon Wiesenthal's *Dokumentationszentrum des Bundes Jüdisches Verfolgter des Naziregimes* in Vienna announced Bolschwing's presence in the United States.⁷⁵ Despite [] verbal assurances in January 1980 that CIA had no objections to OSI's suit, the Agency failed to state this assurance in writing.

Pressed by OSI's new director, Allan A. Ryan, Jr., for an answer to his office's letter of 30 November 1979 about Bolschwing, CIA did not respond until the summer of 1980. At

⁷⁴ [] Memorandum for the Record, "Meeting with Department of Justice Representatives on Alleged Nazi War Criminals Otto von Bolschwing and Tscherim Soobzokov," 17 January 1980, OGC 80-00581, (S), in OGC Records, Job [] Box 2, Folder 29, CIA ARC. (S)

⁷⁵ Bulletin of Information No. 20, 31 January 1980, *Dokumentationszentrum des Bundes Jüdisches Verfolgter des Naziregimes*, in OGC Records, Job [] Box 2, Folder 29, CIA ARC. In a routing sheet to OGC, [] annotated, "FYI. It looks like the start of a campaign to get Von Bolschwing." (U)

DRAFT WORKING PAPER

DRAFT WORKING PAPER

that time [redacted] attempted to clarify some of OSI's concerns about the Agency's views on this case and the availability of its records for use in court. He reiterated [redacted] point that "CIA has no objection to the initiation of proceedings against von Bolschwing. Indeed, our position on this matter is neutral, and our only interest is to protect sensitive and classified information concerning our former relationship with von Bolschwing."⁷⁶ (S)

OSI still expressed anxiety about the Agency and its knowledge of Bolschwing's activities at the time of his immigration in the mid-1950s. A month after Ryan announced that OSI had to drop its suit against Tscherim Soobzokov because of the discovery of new evidence in CIA's files, Jeffrey Mausner, the OSI attorney handling the Bolschwing investigation, submitted an eight page letter to the Agency. He emphasized, "most of our cases are based on a claim that the defendant misrepresented his Nazi background at the time of his entry into the US or at the time of his naturalization. It is," Mausner wrote, "therefore important to know exactly what INS, State Department, and CIA knew about von Bolschwing at the time of his entry and naturalization." OSI asked that the CIA search its records for any "preliminary questionnaire" used by the State Department's consular office in Munich to process his visa application in the second half of 1953. Likewise, the Department of Justice asked the Agency to produce an expert

⁷⁶See Ryan to [redacted] May 1980, OGC 80-0492, (S), and [redacted] reply, [redacted] to Ryan, 12 June 1980, OGC 80-04978, (S), both in OGC Records, Job [redacted] Box 2, Folder 28, CIA ARC. For background information about [redacted] response, see [redacted] to [redacted] "Department of Justice Questions concerning Otto von Bolschwing," 2 April 1980, OGC 80-02813, (S), in OGC Records, Job [redacted] Box 2, Folder 29, CIA ARC. (S)

DRAFT WORKING PAPER

DRAFT WORKING PAPER

witness to explain how the Alien Affairs Staff dealt with the Immigration and Naturalization Service in the 1950s. OSI clearly wanted to avoid a repetition of the Soobzokov debacle.⁷⁷ (S)

The Agency, however, could not satisfy many of OSI's requests because the passage of time had rendered it difficult to reconstruct the complicated twists involved with Bolschwing's immigration. Officers familiar with the work of the Alien Affairs Staff in the early 1950s had long since retired. While the Agency identified "third agency" material within its files and sent copies of these documents for review by the proper offices (including the State Department, Army, and the National Security Agency), CIA could not reconstruct the INS's supposed "auxiliary" file on Bolschwing.⁷⁸ (S)

Meeting a Former Agent (U)

⁷⁷Mausner, "Otto von Bolschwing," 28 August 1980; and ~~CIA~~ to ~~CIA~~ "Meeting with DOJ Representatives concerning their Investigation of Edgars Laipeneks and Otto von Bolschwing," 2 September 1980, OGC 80-07543, (S); Note to ~~CIA~~, "Otto von Bolschwing," [undated]; and ~~CIA~~ Director of Security to ~~CIA~~ "Department of Justice Request re Nazi War Criminals Investigation of Otto Albrecht von Bolschwing," 19 September 1980, OGC 80-08078, (S), all documents in OGC Records, Job ~~CIA~~, Box 2, Folder 28, CIA ARC. (S)

⁷⁸At the conclusion of Bolschwing's project in Austria in 1954, the CIA had 55 reels of microfilm of his reports with an additional 10 reels of indexes dating back to 1948. In addition to his large 201 file, extensive records on Bolschwing collected by the Salzburg Operations Base survive as SALZ-CIA-PRO-1 and are now filed as DO Records, Job ~~CIA~~, Boxes 9, 13, and 14, CIA ARC. See also Memorandum for Record, ~~CIA~~ Records Integration/Project Officer, "GROSSBAHN Files (SALZ-CIA-PRO-1)," 16 January 1956, in Bolschwing, File ~~CIA~~, DO Records. The microfilm material is located in DO/IMS, Central Files Branch. OSI reviewed Bolschwing's 201 file, but it is uncertain if the investigators saw any of the Austrian project files or Bolschwing's microfilm records. (S)

DRAFT WORKING PAPER

DRAFT WORKING PAPER

OSI interviewed Otto von Bolschwing at his home in California in early 1981.

Represented by his son, Golman V. von Bolschwing [] and [] from the Central Intelligence Agency also attended the meeting. After discussing procedural issues, Golman ("Gus") von Bolschwing did most of the talking. He called OSI's actions in his father's case "hypocrisy" because the Government knew the details of Bolschwing's life before his arrival in the United States. "And so I wonder as I sit here," the younger Bolschwing asked, "does the means justify the end? Do two wrongs make a right? It is just as difficult for my father at this point to prove his case, to disprove pieces of paper that are now forty years old, as it was for certain individuals who did try to do justice and to find and to prosecute Germans when there were no living witnesses or it was very hard to obtain living witnesses." Subsequent questioning by OSI's Mausner confirmed that Bolschwing's memory about his membership in the Nazi Party and the SS was fragile.⁷⁹ (U)

The Office of Special Investigations nevertheless filed its suit against Bolschwing in late May 1981 in the US District Court for the Eastern District of California. Bolschwing faced three counts of procuring his citizenship in 1959 through willful misrepresentation when he failed to declare his membership in the Nazi party, the SS, the SD, and the RSHA, all organizations declared criminal by the International Military Tribunal at Nuremberg. The court ordered the former German officer to appear at the US

⁷⁹Sullivan to [] 13 February 1981, OGC 81-01452, enclosing Sworn Statement of Otto Albrecht Alfred von Bolschwing, A8-610-051, 2 February 1981, in OGC Files, Job # [] Box 2, Folder 25, CIA ARC. (U)

DRAFT WORKING PAPER

DRAFT WORKING PAPER

Attorney's office in Sacramento for deposition and to provide all records, photographs, or other documents from 1932 to 1945.⁸⁰ (U)

A New Twist (U)

Bolschwing offered a new defense in a Sacramento newspaper shortly after OSI filed its charges. He now claimed that he had actually served as a "secret agent" for the Office of Strategic Services during the war. "It's not true," Bolschwing said, that "I never served in the SS or Gestapo or SD (the intelligence branch of the SS). I did serve in the OSS for the Americans, and I did parachute into Austria." According to Bolschwing, "it was dangerous work in Germany (for the Americans)." In a separate statement, Bolschwing confided that he had even met William J. Donovan, later director of OSS, in New York prior to the outbreak of World War II. Allan Ryan, speaking for OSI, immediately denounced Bolschwing's statement. "What he said is not true. Our case relates from the middle 1930s through the war, and during that period he was not a double agent for the US or anything like that. He was not affiliated in any way with the

~~US Government~~⁸¹ (U)

⁸⁰ *US v. Otto Albrecht Alfred von Bolschwing*, Civil Action S-81-308 MLS, United States District Court, Eastern District of California, 27 May 1981. See also *US v. Bolschwing*, Notice of Taking Deposition, 5 June 1981, both documents in OGC Records, Job Box 2, Folder 25, CIA ARC. OSI apparently dropped the charge of willful misrepresentation but retained the immoral conduct charge. See *Ryan to [redacted]* 'United States v. Otto Albrecht von Bolschwing,' 29 May 1981, in DOR Records, Job Box 1, Folder 6, CIA ARC. (C)

⁸¹ *Ryan to [redacted]* 11 June 1981, OGC 81-05212, enclosing "Alleged Nazi Denies Federal Charge, Says He Spied for US," *San Francisco Chronicle*, [c. May 1981], in OGC Records, Job

DRAFT WORKING PAPER

DRAFT WORKING PAPER

Like many of OSI's cases, the Bolschwing suit presented numerous legal complications. Bolschwing's attorneys and his son requested security clearances to speak with him about his relationship with the CIA during the postwar years. Likewise, the defense wanted access to all government records pertaining to Bolschwing, which delayed the case because neither OSI nor CIA were prepared to comply. OSI insisted that Bolschwing could mount a defense using only those government records relevant to the court case. This prompted Bolschwing's attorney, Arthur J. Ruthenbeck, to tell the media in September 1981 that "my hands have been tied . . . I'm just trying to get authorization for my client to talk with me." He added, "we're in a real Catch-22 situation. One arm of the government prosecutes the case and another says you can't talk to your client."⁸² (U)

C of the Office of General Counsel saw this situation in a different light. She told Ruthenbeck "Your hypothetical inability to represent your client based upon your perception of unknown contractual limitations similarly suggests a desire to infuse this litigation with premature issues."⁸³ Bolschwing, according to both OSI and CIA, was free to discuss all issues with his attorney although the Department of Justice stipulated that classified material could not be discussed outside of the courtroom. (U)

C Box 2, Folder 25, CIA ARC. Bolschwing repeated this assertion in the *New York Times*. See "Man, 71, is Ordered to Reply to Charge of Serving the Nazis," *New York Times*, 29 July 1981, p. A13. CIA denied that Bolschwing had any connection with Donovan or the OSS. See C to Ryan, 18 August 1981, OGC 81-07107, in OGC Records, Job C Box 1, Folder 4, CIA ARC. (U)

⁸²S. Lynne Walker, "Accused Nazi's Defense Hampered by CIA Order Not to Talk, Attorney Says," *Sacramento Union*, 10 September 1981. See also Ruthenbeck to Smith, 10 September 1981, in OGC Records, Job C Box 2, Folder 25, CIA ARC. (U)

DRAFT WORKING PAPER

In the meantime, Bolschwing's health continued to deteriorate. At the behest of OSI [] prepared a classified affidavit to support the Government's motion for a protective order. [] the DO's Information Review Officer (IRO), cited the need to protect critical national security information from unauthorized disclosure as well as to protect confidential sources. The IRO commented that the "DO files concerning Von Bolschwing contain extensive information on intelligence methodology in use by CIA." The Agency [] asserted, "cannot, on the public record in this litigation, acknowledge the existence of such information without jeopardizing the sanctity of classified information."⁸⁴ (S)

Case Closed (U)

CIA's efforts turned out to be unnecessary. In late 1981, Allan A. Ryan, Jr., OSI's director, announced that Otto Albrecht Alfred von Bolschwing had voluntarily surrendered his American citizenship after admitting his membership in various Nazi organizations. Ryan agreed that the aging Bolschwing, diagnosed with a "progressive neurological condition," could remain in the United States until his health improved enough to permit deportation. He also noted that the consent decision, offered by Bolschwing's defense, "was made by this Office in consultation with higher authorities in

⁸³ [] to Rutherford, 21 September 1981, OGC 81-08314, in OGC Records, Job [] Box 2, Folder 25, CIA ARC. (U)

⁸⁴ See [] to Neil Sher, Deputy Director, OSI, 6 November 1981, enclosing [] Affidavit, *US v. Bolschwing*, (S), in OGC Records, Job [] → Box 2, Folder 25, CIA ARC. (S)

DRAFT WORKING PAPER

DRAFT WORKING PAPER

the Department of Justice and was not reviewed by, or submitted for the approval of, any other government agency.”⁸⁵ The Bolschwing case ended in March 1982 when Bolschwing died at the age of 72 of progressive supranuclear palsy.⁸⁶ (U)

By the end of 1981, the Central Intelligence Agency had worked with the Department of Justice in three major Nazi war criminal investigations: Tscherim Soobzokov, Edgars Laipenieks, and Otto Albrecht Alfred von Bolschwing. The Agency also enabled OSI to complete name trace requests on hundreds of immigrants in the United States. The Directorate of Operations, the Office of Security, and the Office of General Counsel spearheaded CIA’s efforts with OSI. The Agency struggled to protect national security interests while meeting its legal obligations to support OSI. Despite some rough spots, the partnership was successful as the Agency and OSI learned how to cooperate. The nature of the Nazi war criminal investigations grew even more controversial during the 1980s. (U)

⁸⁵See “Statement of Allan A. Ryan, Jr., Director, Office of Special Investigations,” with annotated comments, in OGC Records, Job C-2 Box 2, Folder 25, CIA ARC. (U)

⁸⁶“Otto von Bolschwing; Ex-Captain in Nazi SS,” *New York Times*, 10 March 1982, p. B-5. (U)

DRAFT WORKING PAPER